

**Zoning Board of Appeals**  
**May 19, 2009**  
**Central Fire Station**

**Members Present:** John Devereux, Sue Durkee, Terri Linnell, Lawrence Sawyer and Ed Wade

**Members Absent:** Robert Doucette

**Staff Present:** Elwin Thorpe, CEO and Sandy Fredricks, Secretary

**Applicants Present:** William Strathmann

**Public Present:** Andrew R. Freeman and Susan Witonis

**7:00 PM**

Larry Sawyer calls the Meeting of the Zoning Board of Appeals to order.

**Agenda:**

Larry states there is one item on the agenda this evening in addition to the approval of Minutes. The application is for a general variance for a front setback reduction.

Larry states this is the Board's first meeting since the beginning of the year, therefore, the Board must elect a Chair at this time.

Terri nominates Larry as Chair of the Zoning Board of Appeals.

John seconds the nomination.

Larry asks if there are any other nominations for Chair. Being none, he states he will accept the position as Chair and calls for a vote.

**All in favor?** 4 yes, 1 abstain (Larry)

Chairman Sawyer reads the following statement for the record:

General Information for Applicant and the Audience

1. Please recognize the chair for all questions or information.
2. Please introduce yourself before speaking.
3. All applicants will receive a written Notice of Decision within 7 days of this meeting. Applicant has 45 days to appeal to Superior Court.
4. Applicant may stay for the Decision but cannot in any way participate in this part of the meeting.
5. If the Decision is approved, the applicant will receive in the mail along with the Notice of Decision, a Certificate of Zoning Variance Approval. You have 90 days to have this Certificate recorded at the Registry of Deeds. If you do not meet the 90-day limit, the

Decision is automatically void and you cannot appeal for one (1) year.

6. A permit secured by vote of the Zoning Board of Appeals under the provisions of this Ordinance shall expire if the work or change involved is not commenced within one (1) year of the date on which the appeal is granted, and if the work or change is not substantially completed within eighteen (18) months of the date on which such appeal is granted.

**Ed** moves to approve the August 19, 2008 Minutes as written.

**John** seconds.

**Any discussion?** None.

**All in favor?** 5 yes – 0 no

Chairman Sawyer states the Board will now begin the Evidentiary Portion of the meeting.

### **EVIDENTIARY**

Application of William D. and Randi Finger Strathmann, property known as Map 47, Lot 7 located at 76 Miller Road. Request to permit a 35' front setback reduction from 50' to 15' to permit construction of a 60' wide x 30' deep garage. The property in question is located in a Limited Residential Recreational district.

Chairman Sawyer asks the applicant to present his case to the Board.

Wil introduces himself to the Board and states that he has submitted drawings to the Board with his application showing the properties on Miller Road, their property as it currently exists, what their property would look like with the garage if constructed without the requested variance, what their property would look like with the garage constructed with the variance, a drawing showing the front of the garage and a drawing showing a side view of the garage which also depicts the ground level if the garage is built with and without the variance. Applicant further states he has submitted photos of the property for the Board to review also.

Larry asks Wil if he has any additional information to present to the Board or any oral presentation he would like to make. Wil states since the drawing of the garage, it was pointed out by a friend he could use 3 larger doors on the garage rather than the 4 as shown and he would be making that adjustment.

Wil states that the hardship to he and his wife is that they both have medical problems; she has arthritis and osteoarthritis while he has

asthma and a progressive neuropathy affecting his balance. The winters present problems keeping things shoveled out and he cannot continue to do so. The reasons are partially financial; it would cost more than double to excavate back 50' and make the back of the garage 13' underground. It also would be a financial burden to have that much area plowed out in the winter.

Wil continued that it is also very important to note the amount of deforestation that would be necessary to put the structure at the 50' setback, if they are granted this variance to place it 15' back it would save a lot of trees and other vegetation and greatly reduce the amount of impervious surface.

Larry asks if he would be paving this entire area. Wil states that he would not but it would be done with crushed stone or gravel and pitched to allow runoff through the woods.

Larry asks if there is a lot of runoff from the road to the lake. Wil states he generally leaves the leaves and natural growth to slow it down. He continues that runoff from the driveway doesn't splash over and run down.

Larry states he noticed the issues raised by the neighbors who provided written comment after receiving notice of the application was why is this garage 60' x 30'? Larry continues that this is a huge structure and the size is a concern.

Wil states he called Mr. Lapham because he has asked about the size, and his reason is that they have 2 cars in D.C., he has a truck up here, he has a jeep for off-road and will get rid of their 1995 Subaru, but his wife will bring the Prius up so that would be 3 cars to keep garaged. Wil continued they have been paying a lot of money to store their pontoon boat and Glastron power boat. He bought a day-sailor at the Village Church auction last year and has to store that as well. They would store all 3 boats in the garage and to accommodate the cars and boats, they need the size. He further stated he would carry the kayak and canoe upstairs to store in the garage as well.

Larry asks if any other garage on Miller Road is that large. Wil states they are not; it is a second home for everyone else on the road while he and his wife will be living here year-round.

Larry asks if the house was year-round when they purchased it or did they convert it. Wil states that the cross-hatched area on the diagram submitted to the Board is the living area; the area on the left is uninsulated and not year-round while the right side is insulated and

used year-round. Currently, they put rugs on the seasonal side with boxes to store things while they place the outdoor furniture in the two bedrooms. There is one useable bedroom on the insulated side. Larry again asks if that portion was year-round when they purchased it. Wil states it was.

Larry asks if the year-round portion of the house was an addition. Wil states it was a replacement camp. He continued that it was his understanding they had excavated under the year-round part to put in a walkout basement. There is no non-living area basement and the house has no storage.

Larry asks if there are any other buildings within 15' of the road. Wil states he does not think so; the only other building on that side of the road is Dan Miller's house and barn. The other houses are close to the lake and were grandfathered in.

John asks what the square footage of the parcel the garage is to be built on is. Wil states he isn't positive of the square footage and reviews the measurements provided with the Board.

Terri asks how long they have owned the property. Wil states they closed in December 2002, but had an arrangement that the prior owner could remain in the house until July 2003, at which point they rented the property out for 1 to 2 weeks at a time and after all the damage that occurred they stopped.

Terri states she understands they can build this structure without the necessity of a variance. She continues to ask if they were to proceed without the variance, could they put in a narrower driveway and have it widen out at the structure to cut down on the impervious impact. Wil states they probably wouldn't have the full 60' wide, but would be close. He continued it is his intention to put the boats on the left side of the garage, looking from the road left, and have the snowplow push everything in front of that door and have the two bays on the right open in the winter to get the cars out. He further stated the road starts to drop at 40-50' from the parking area so it would be narrower to plow.

Ed states he understands they have owned the property is 2002 and asks how long they have owned the boats. Wil states he hasn't had the boats at the house.

Larry asks Elwin what his thoughts are as Code Enforcement Officer. Elwin stated he usually doesn't like to see a variance granted unless it is really necessary, but because of the amount of clearing required in this particular instance and the fact that it is on a private road with only 3

houses past the Strathmanns, he doesn't see traffic being an issue with the building located 15' back.

Larry asks if there would be an issue for either the Fire Department or Rescue if the variance were granted and the structure was 15' from the road. Elwin states he does not foresee that as a problem, and actually it gives Fire and Rescue an additional place to turn around if necessary.

Larry asks Elwin if he has any reservations about the size of the structure. Elwin states the size is a bit excessive as nothing else in the area is that size. He continues that he received a call from one of the neighbors about the size.

Andy Freedman states he owns property across the Wil. He continues their cottage was built by his wife's grandfather in 1958. He further states he is the Chairman of the Miller Road Association and we have a problem with this. Mr. Freedman continues and states he speaks not only for himself and his family but also for Dan Miller and has a letter stating that fact. He further states that he and Mr. Miller are willing to assist the Strathmanns with the storage problem as Mr. Miller stated that one of the boats could be placed on his property for the winter.

Larry asks if the Road Association met to discuss this matter. Mr. Freedman states they did not. He continued there is nothing else like this on the road and he understands wanting to have a garage, however, the average house is 1387 square feet, while what the Strathmanns want to build is 1187 square feet. Freedman further states he built a 3-car garage with 864 square feet of space in 2003 and has an issue with 60' x 30'. He continues he believes there are alternatives to the storage issues and wants to work with the Strathmanns to accomplish alternate storage. He reiterates that the issue is the size of the structure. He states he is concerned that the structure will lend itself to use as living space. Larry states the Board always puts in a restriction on garages that require variances that they cannot be used for living space; this is in the decisions and gets recorded in the Cumberland County Registry.

Mr. Freedman states he spoke with counsel and is concerned about future enforcement of those provisions. He further stated they could probably live with the variance if the building were scaled down.

The Board members discuss the size and setback for a bit. Larry states that he can't speak for the entire Board, however, he feels he knows how these matters go relatively well and advised Mr. Strathmann that he doesn't believe he will get everything he wants here tonight. Larry asks Wil if the Board tables this matter, can you go back and talk with your neighbors to work out an amicable revision to the structure size and

location. Wil states he spoke with Dan and this is the first he has heard of an offer from Andy and Dan to help with the storage.

Wil states it has just occurred to him that he could sell the pontoon boat and utilize two 16' 7" doors if he could have 45' he could 2 garage doors at the driveway level and he could decrease the size if he sells one boat.

Larry states if the applicant wants to amend the application, the Board can table it and readdress it or we can vote on this tonight.

Wil states he would like the Board to table the issue and allow for an amendment to the application.

John states that he understands the Board can not grant more than a 20% setback variance and it would allow for a 1680 square foot footprint. John reads from the State Planning Guide regarding the 20% setback. Ed explains that applies to residences and not other structures.

Ed states one of the requirements for granting a variance pertains to the nature of the land on which the structure is proposed. He continues that it seems given that this land rises away from the road that might be acceptable in allowing the positioning of the garage closer to the road.

The Board discusses that the objections seem more to the size of the structure than the setback and if the applicant is willing to amend the application, perhaps both items can be adjusted to suit all concerned.

Mr. Freedman states he didn't realize how close to the road 15' is until he saw it measured. He continues that the road is not a perfect situation; there are 11 owners on the road and all need to function on it; everyone comes at it from a different perspective. He continues that he feels the size is so immense that it doesn't seem to really matter if it is setback 15' or 50'.

Larry asks if Wil wants the Board to table the matter to July. Wil states he does and he will re-work the calculations and submit an amendment to the application.

**Larry** moves to table this application to the July 21<sup>st</sup>, 2009 meeting.

**Terri** seconds.

**Any further discussion?** None.

**All in favor?** 5 yes – 0 no

**Terri** moves to adjourn.

**John** seconds.

**Any discussion?** None.

**All in favor?** 5 yes – 0 no

Meeting adjourned 8:30 p.m.